IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 13TH JUNE 2007 / 23RD JYAISHTA 1929

WP(C).No. 33607 of 2006(A)

(O.S.NO:2/04 OF SOUBT COURT, HOSDURG)

PETITIONER:

THEEYAN RAMAN @ KUNHIRAMAN,
S/O. LATE APPUTTI AND CHITTAI,
R/AT CHERIYAKADAVU, KALLAR VILLAGE,
HOSDURG TALUK, KASARAGOD.

BY ADV. SRI.KODOTH SREEDHARAN

RESPONDENTS:

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1. KOOKAL KUNHIKANNAN NAIR,
S/O. ADUKKADUKKAM KUNHIRAMAN NAIR,
R/AT KUNUMAL VEEDU, PANAYAL VILLAGE,
HOSDURG TALUK, KASARAGOD.

2. KOOKAL KRISHNAN NAIR,
S/O. KATTILA KUNHAMBU NAIR, R/AT ANJANA MUKOOD,
KALLAR VILLAGE, HOSDURG TALUK, KASARAGOD.

3. MUNDATH KARUNAKARAN NAIR,
S/O. KOOKAL KRISHNAN NAIR, R/AT ANJANA MUKOOD,
KALLAR VILLAGE, HOSDURG TALUK, KASARAGOD.

4. THEEYAN RAMAN, S/O. CHITTAI,
R/AT POINACHI, THEKKIL VILLAGE,
HOSDURG TALUK, KASARAGOD. - DELETED

(DELETED AS PER ORDER ON I.A.5381/07 DT.13.6.07)

R1 BY ADV. SRI.T.K.VIPINDAS

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXTS:

EXT.P1:

EXT.P1: TRUE COPY OF THE PROOF AFFIDAVIT DT.1.12.06 BEFORE THE SUBORDINATE JUDGE'S COURT, HOSDURG IN O.S.2/04

EXT.P2: -DO- OF THE APPLICATION IN I.A.1281/06 IN O.S.NO:2/04 OF SUBORDINATE JUDGE'S COURT, HOSDURG

EXT.P3: -DO- OF THE APPLICATION IN I.A.1282/06 IN O.S.NO:2/04 OF SUBORDINATE JUDGE'S COURT, HOSDURG

EXT.P4: -DO- OF THE APPLICATION IN I.A.1283/06 IN O.S.NO:2/04 OF SUBORDINATE JUDGE'S COURT, HOSDURG

EXT.P5: -DO- OR ORDER IN I.A.1281/06 DT.13.12.06 IN O.S.2/04 OF SUBORDINATE JUDG'S COURT, HOSDURG

EXT.P6: -DO- OF THE ORDER IN I.A.1282/06 DT.13.12.06 IN O.S.2/04 OF SUBORDINATE JUDGE'S COURT, HOSDURG

EXT.P7: -DO- OF THE ORDER IN I.A.1283/06 DT.13.12.06 IN O.S.2/04 OF SUBORDINATE JUDGE'S COURT, HOSDURG

jj / TRUE COPY/

P.S.TO JUDGE

M.N. KRISHNAN, J.

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W.P.(C) No. 33607 OF 2006 A
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Dated this the 13th June, 2007

J U D G M E N T

The writ petitioner filed Ext. P4 application before the Subordinate Judge, Hosdurg, to issue summons to witness Nos. 2 and 4 in I.A. No. 1242/06. The prayer was on account of the fact that when notice was served by the party they refused to receive the summons and therefore the parties seek the help of the court to get the summons served through the officer of the court. The request is only reasonable and legitimate and should have been allowed by the court below. Therefore, the order under challenge is set aside and the petitioners herein are permitted to take out summons to the witnesses through court as prayed for and the court may also consider their request for examining additional witnesses so that no evidence need be shut at the trial stage. For the said purpose the matter be reopened also.

The writ petition is disposed of as above.

M.N. KRISHNAN
JUDGE

jan/